



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/1397

Re: Property at 5 Morar Place, Irvine, KA12 9PS (“the Property”)

Parties:

Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, KA2 9EW (“the Applicant”)

Ms Megan McCartney, 5 Morar Place, Irvine, KA12 9PS (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be payable by the Respondent in terms of her private residential tenancy at the Property. It called for a case management discussion (‘CMD’) at 10am on 8 September 2021, by teleconference. The Applicant was represented on the call by one of its directors, Mr Steven Easton. The Respondent did not call in and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but she did not get in touch.

Notice of the CMD was served on the Respondent by sheriff officers on 5 August 2021. The Tribunal was satisfied that the Respondent had had sufficient notice of the

CMD and had chosen not to attend. It therefore proceeded in the Respondent's absence.

A previous application for an order for payment regarding the Property and these parties (Tribunal ref: FTS/HPC/CV/20/2575) had already been determined, following a hearing, on 29 March 2021. An order for payment of rent arrears to the sum of £2,295 was made against the Respondent.

- Findings in Fact

1. The Respondent occupies the Property in terms of a private residential tenancy agreement with the Applicant, with a start date of 4 April 2019.
2. In terms of that agreement, rent of £510 is payable on the third day of each month.
3. On 29 March 2021, the Tribunal determined that the Respondent owed £2,295 in rent unpaid up to and including February 2021.
4. The Respondent has not made any payment to the Applicant since February 2021.
5. This application was made on 8 June 2021.
6. At the time the application was made, the Respondent owed a further £2,040 in arrears.

- Reasons for Decision

7. The Respondent owes the sum sought in relation to unpaid rent for the months of March, April, May and June of 2021. An order for payment in the sum sought should therefore be made.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of £2,040 (TWO THOUSAND AND FORTY POUNDS STERLING).

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Legal Member: Nairn Young

Date: 08/09/2021

Nairn Young